

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, June 6, 2017**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Wendy Kearney, County Attorney's Office, and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the Pledge of Allegiance.

Action on the Agenda

Council Member Keegan-Ayer moved to approve the agenda as amended by moving the Maryland Association of Counties update before the budget adjustments. Council Member Chmelik seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Public Comments

- Thomas Smith
- Carl Hillsman

Business Items:

Maryland Association of Counties (MACo) Update – President Kevin Kamenetz and Executive Director Michael Sanderson

Mr. Kamentetz and Mr. Sanderson briefed the Council on the 2017 legislative session updates.

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Budget Adjustment(s) – Rick Harcum, Budget Office, Office of the County Executive

Council Member Keegan-Ayer moved to approve the following budget journals as presented. Council Member Chmelik seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

- J-17-200 – Emergency Management Div.
- J-17-204 – Sheriff's Office
- J-17-205 – Sheriff's Office
- J-17-207 – Department of Aging, Citizens Services Division
- J-17-209 – Public Works Division
- J-17-210 – Fire and Rescue Services Division
- J 17-211 and J-18-001 – Housing and Community Development, Citizens Services Division
- J-17-213 – Office of Sustainability and Environmental Resources
- J-17-214 – Utilities and Solid Waste Management Division
- J-17-216 – Sheriff's Office
- J-17-218 – Fire and Rescue Services Division
- J-17-221 – Circuit Court
- J-17-224 – Office of Sustainability and Environmental Resources
- J-17-225 and J-17-226 – Office of Sustainability and Environmental Resources

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Business Items:

Adoption of the Frederick Community College (FCC) FY 2018 Budget (Operating Budget, Auxiliary Budgets, Capital Budget, and Capital Improvements Program) – Dana McDonald, FCC

Ms. Libby Burmaster, President, FCC and the following staff were present for the request to adopt the FY 2018 FCC budgets: Ms. Dana McDonald, Mr. Bill Grutzkuhn, and Mr. John Wichser. Mr. Rick Harcum, Budget Office was also present.

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Council Member Keegan-Ayer moved to adopt the FY 2018 FCC budgets as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

**Confirmation of the County Executive's Appointments/Reappointments/
Nominees to Boards and Commissions – Joyce Grossnickle, Office of the County
Executive**

Ms. Grossnickle presented the appointments, reappointments, and nominations recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation as presented.

Adult Public Guardianship Board

Council Member Keegan-Ayer moved to confirm the appointment of Ms. Marcy Gouge for a term to expire June 30, 2018. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Agriculture Business Council

Council Member Keegan-Ayer moved to confirm the reappointments of Mr. H. Bittner and Ms. Charlotte Brewster for new terms to expire June 30, 2020; and the appointment of Mr. Tim Pry for a term to expire June 30, 2020. Council Member Chmelik seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Board of Gaming Appeals

Council Member Keegan-Ayer moved to confirm the appointment of Mr. James Dvorak for a term to expire June 30, 2020. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Electrical Board

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Sheldon Davis for a new term to expire June 30, 2022. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Social Services Board

Council Member Keegan-Ayer moved to confirm the appointment of County Council Member Jessica Fitzwater to serve with no term assigned. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Technology Council of Frederick County

Council Member Keegan-Ayer moved to confirm the appointment of Dr. Richard Yankosky for a term to expire June 30, 2021. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Transportation Services Advisory Council

Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Nadine Autry and Mr. Michael Planz for new terms to expire June 30, 2020. Council Member Chmelik seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Maryland Fire Service Personnel Qualifications Board, Inc.

Council Member Keegan-Ayer moved to affirm the confirmation of Battalion Chief Daniel Healy, Division of Fire and Rescue Services (DFRS), as the new primary representative and Lt. Christopher Mullendore, DFRS, to continue to serve as the alternate representative. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Property Tax Assessment Appeal Board

Council Member Keegan-Ayer moved to approve the following County Executive nominees: Mr. Dennis Cowell, Mr. Tommy Tippet, and Ms. Marva Young. Council Member Chmelik seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Public Hearings:**St. John's Catholic Preparatory School Economic Development Bonds Resolution
– Jim Cumbie, Esquire, Venable LLP (County Bond Counsel) and Lori Depies,
Finance Division**

A public hearing was held, as duly advertised, on the request to issue economic development bonds to St. John's Catholic Preparatory School, Inc. (St. John's).

Mr. Cumbie and Ms. Depies presented the request to the Council.

Dr. Thomas Powell, President, St. John's, commented on the request for economic development bonds.

There was no public comment.

Council Member Keegan-Ayer moved to approve the resolution as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Fall 2016 Water and Sewerage Plan Amendments – Tim Goodfellow, Planning and Permitting Division

A public hearing was held, as duly advertised, on the proposed 2016 fall cycle of water and sewerage plan amendments.

Council Member Otis swore in all those who would testify.

Mr. Goodfellow presented the staff reports and his recommendations for approval.

#WS-16-07 – Grimes Properties IV, LLC/Long Electric – to reclassify Parcel 240 from S-5/Dev. to S-3/Dev., located on the south side of Baltimore Road, west of Mains Lane.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-07 as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-16-08 – MS Gladhill Farm, LLC – located on the west side of Pine Bluff Road within the Tallyn Ridge Subdivision, northeast of Pinecliff Park Road.

Mr. Jim Gugel, Planning and Permitting Division, commented on the reclassification request.

Mr. Dave Severn, Esquire, Offit Kurman, and Mr. Donovan Corum, Bowman Consulting, representing the applicant, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-08 as presented. Council Member Chmelik seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-16-09 – WVS Renn Farm, LLC/Matan Companies – Southwest corner of Monocacy Boulevard and East Church Street Extended within the City of Frederick.

Mr. Brian Morse, Matan Companies, representing the applicant, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-09 as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-16-10 – J&R Limited Partnership – located on the south side of Gas House Pike at the Monocacy River within the City of Frederick.

There were no public comments.

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Council Member Keegan-Ayer moved to approve #WS-16-10 as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-16-11 – Oakdale Investments, LLC/Carolyn & Jack Anderson – located on the south side of Gas House Pike, northeast of Eaglehead Drive.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-11 as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-16-12 – Faith Reformed Presbyterian Church - located on the southwest side of Yellow Springs Road, 300 feet northwest of Christopher's Crossing.

Staff recommended denial of the request to reclassify Parcel 232 from No Planned Service to W-5/Dev.

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Mr. Noel Manalo, Esquire, Miles and Stockbridge and Mr. Jeremy Holder, Ausherman Properties, requested a continuance on this case.

There were no public comments.

Council Member Keegan-Ayer moved to continue #WS-16-12 to come back in the 2017 fall cycle of water and sewerage plan amendments. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-16-13 – William and Lillian Blentlinger - located on the east side of Boyers Mill Road, south of Yeagerstown Road.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-13 as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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#WS-16-14 – Division of Planning & Permitting/Quynn & Moody Trust – located on the south side of Fish Hatchery Road in Lewistown.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-14 as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-16-15 – Division of Planning & Permitting (Urbana Elementary School) – located on the south side of Urbana Pike (MD 355) in Urbana.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-15 as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

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First Reading Calendar:

Introduction of a Bill regarding Antique, Artisan, and Craft Shops in the Limited Industrial District – Council President Bud Otis

Council President Otis introduced a bill that would allow antique, artisan and craft shops to operate in the Limited Industrial District.

It was noted a public hearing would be held on Tuesday, July 11, 2017, at 7:00 p.m.

Introduction of a Bill regarding the Revisions to the Frederick County Employee Retirement Plan – Council President Bud Otis (On behalf of the County Executive)

Council President Otis introduced a bill that would reconstruct the Retirement Committee to include a designated retiree representative and the maximum of two (2) representatives from any one county division.

Mr. Mitch Hose, Human Resources Division, commented on the proposed bill.

It was noted a public hearing would be held on Tuesday, July 11, 2017, at 7:00 p.m.

Introduction of a Bill regarding Limited Wood Waste Recycling in the General Commercial District – Council Member Billy Shreve

Council Member Shreve introduced a bill that would allow a “Limited Wood Waste Recycling Facility” in the General Commercial District.

It was noted a public hearing would be held on Tuesday, July 11, 2017, at 7:00 p.m.

(The Council took a break at 6:05 p.m. and reconvened at 7:00 p.m.)

Second Reading Calendar:

To Consider Amended Bill No. 17-08 – Zoning Map Amendments during the Election Year (Public Hearing held 05/16/2017) – Council President Bud Otis (On behalf of the County Executive)

A public hearing was held, as duly advertised, on Amended Bill No. 17-08.

There were no public comments.

It was noted the amended bill would be scheduled for adoption on Tuesday, June 13, 2017.

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**To Consider Amended Bill No. 17-10 – Continuation of the Payment in Lieu Option
for Moderately Priced Dwelling Units and Adjustment to the Payment Amount –
Council Member Jessica Fitzwater**

A public hearing was held, as duly advertised, on Amended Bill No. 17-10.

There were no public comments.

It was noted the amended bill would be scheduled for adoption on Tuesday, June 13, 2017.

Public Comments

- None

Council Member Comments

Comments were provided by the Council Members.

Adjourn

Meeting adjourned at 7:40 p.m.

Bud Otis, President
County Council